

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IDEA SOLUTIONS, LLC,
Plaintiff,

v.

DATAVIBES TECHNOLOGIES, et al.,
Defendants.

Case No. [17-cv-02338-MEJ](#)

**ORDER RE: MOTION TO DISMISS;
ORDER TO SHOW CAUSE**

On July 19, 2017, Defendant Visvero, Inc. as successor in interest to Datavibes, Inc. filed a Motion to Dismiss for Failure to State a Claim, Lack of Jurisdiction, Improper Venue, and Lack of Standing, with a noticed hearing date of August 31, 2017. Dkt. No. 9. Plaintiff Idea Solutions, LLC filed a statement of non-opposition on August 2, 2017, indicating it did not concede or concur with the arguments in the Motion, but that it would file a proposed notice of dismissal “within the next business day.” Dkt. No. 16. As of the date of this Order, Plaintiff has not filed a notice of dismissal.

Accordingly, the Court hereby GRANTS the Motion to Dismiss WITHOUT PREJUDICE and VACATES the motion hearing. In addition, if Plaintiff does not file a notice of dismissal before August 17, 2017, the Court ORDERS Plaintiff to show cause why this case should not be dismissed for failure to prosecute. If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on August 31, 2017 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Notice is hereby provided that failure to file a written response will be deemed an admission that Plaintiff does not intend to prosecute, and the case will be dismissed without prejudice.

IT IS SO ORDERED.

Dated: August 8, 2017



MARIA-ELENA JAMES
United States Magistrate Judge